

Remarks

The paragraphs of the Office action are responded to through the corresponding numbered paragraphs below. The applicant has addressed each issue in turn and, for clarity, has provided a heading for each issue.

1. The Examiner indicated that this action is in response to the application filed on 1/23/2001, that claims 1-3 are original claims, claim 2 is subject to restriction/elections; and claims 1-3 are pending in this application. The applicant believes that no specific response is required for this paragraph.

*Election / Restrictions*

2. The Examiner indicated that restriction to one of the following inventions is required. I. Claims 1, 3 - drawn to a system and method comprising a means for migrating an upgrading application file in a network; and II. Claim 2 drawn to a method comprising means for configuring an installed file. The applicant has elected group I (claims 1 and 3) and requests that claim 2 be cancelled without prejudice, as applicant reserves the right to file a divisional continuation application claiming the invention of claim 2. The applicant believes that this election is fully responsive to the restriction requirement of this paragraph.

*Claim Rejections - 35 USC § 102*

3. The Examiner provided the citation to "35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action." The applicant believes that no specific response is required for this paragraph.

4. The Examiner rejected claims 1 and 3 "under 35 U.S.C. 102(a) as being anticipated by Kahani, WWWCopy™ Version 1.1." The applicant has requested that claims 1 and 3 be amended to more clearly point out that applicant's invention the "means for migrating" includes a console module and a self-extracting auto-migration software package and that in applicant's invention the Personality Package further includes settings, preferences, application programs and data files, and that the method includes determining whether the migration of additional files is required and testing to determine if the destination application versions match. The applicant believes that the claims as currently pending in their entirety are neither described nor even suggested by the cited or any other known references. The applicant believes that this requested amendment and these comments are fully responsive to the rejection of this paragraph. Accordingly, the applicant respectfully requests reconsideration and withdrawal of this rejection.

*Conclusion*

The Examiner has provided information concerning communication and/or inquiries concerning this case. Applicant appreciates the Examiner's willingness to communicate and assist on this case and believes no response to this paragraph is necessary.

The applicant has added claims 4-20 to this case. The applicant respectfully requests the examination in this case of these additional claims.

As previously noted, the applicant has requested that claims 1 and 3 be amended as described and that claims 4-20 be added to this case. The applicant believes that all issues and points of the Examiner's Office action have been addressed. Applicant believes that claims 1 and 3-20 are patentable over all known prior art. Applicant respectfully requests reconsideration and allowance of this application.

Respectfully submitted this 27th day of January, 2004.



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